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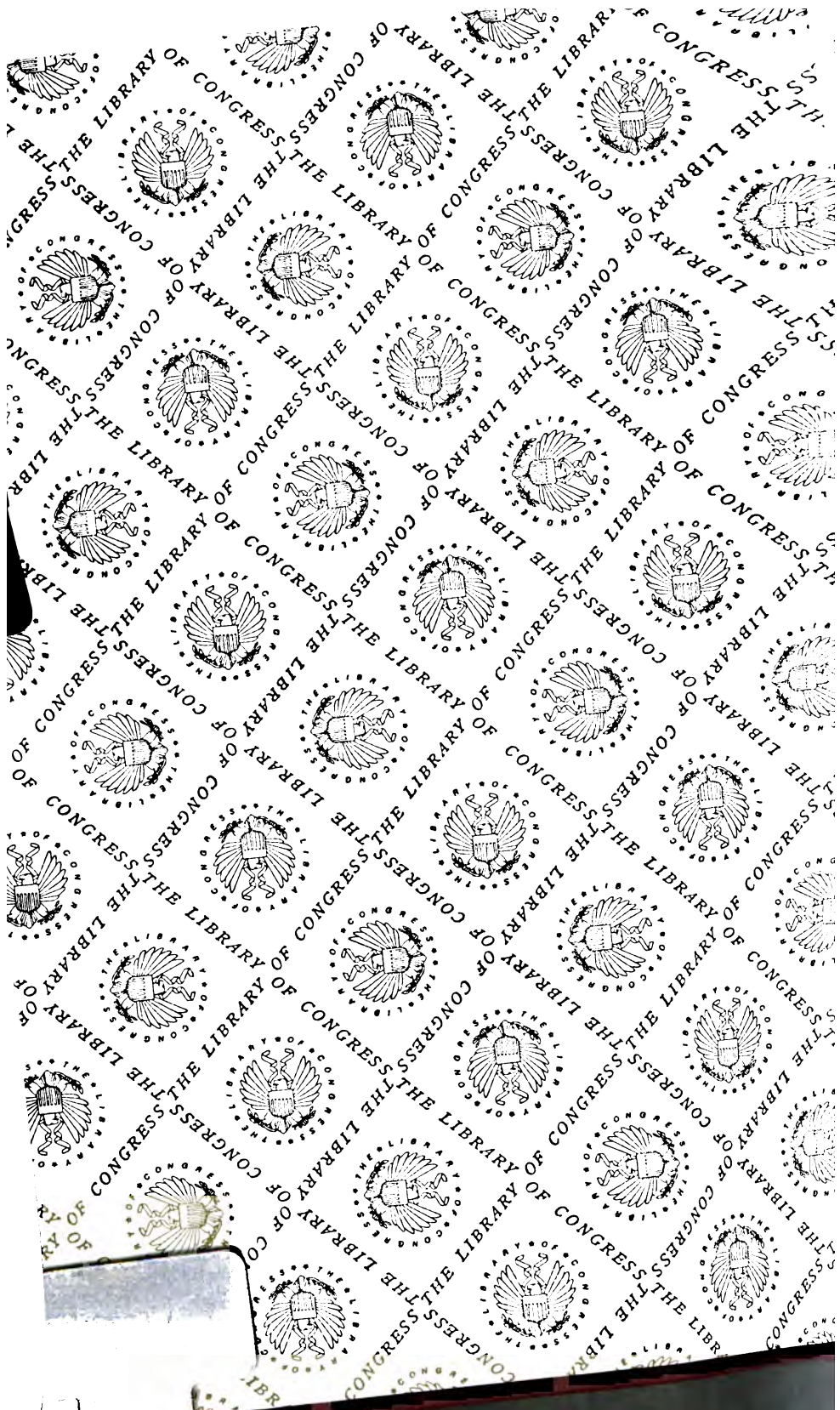
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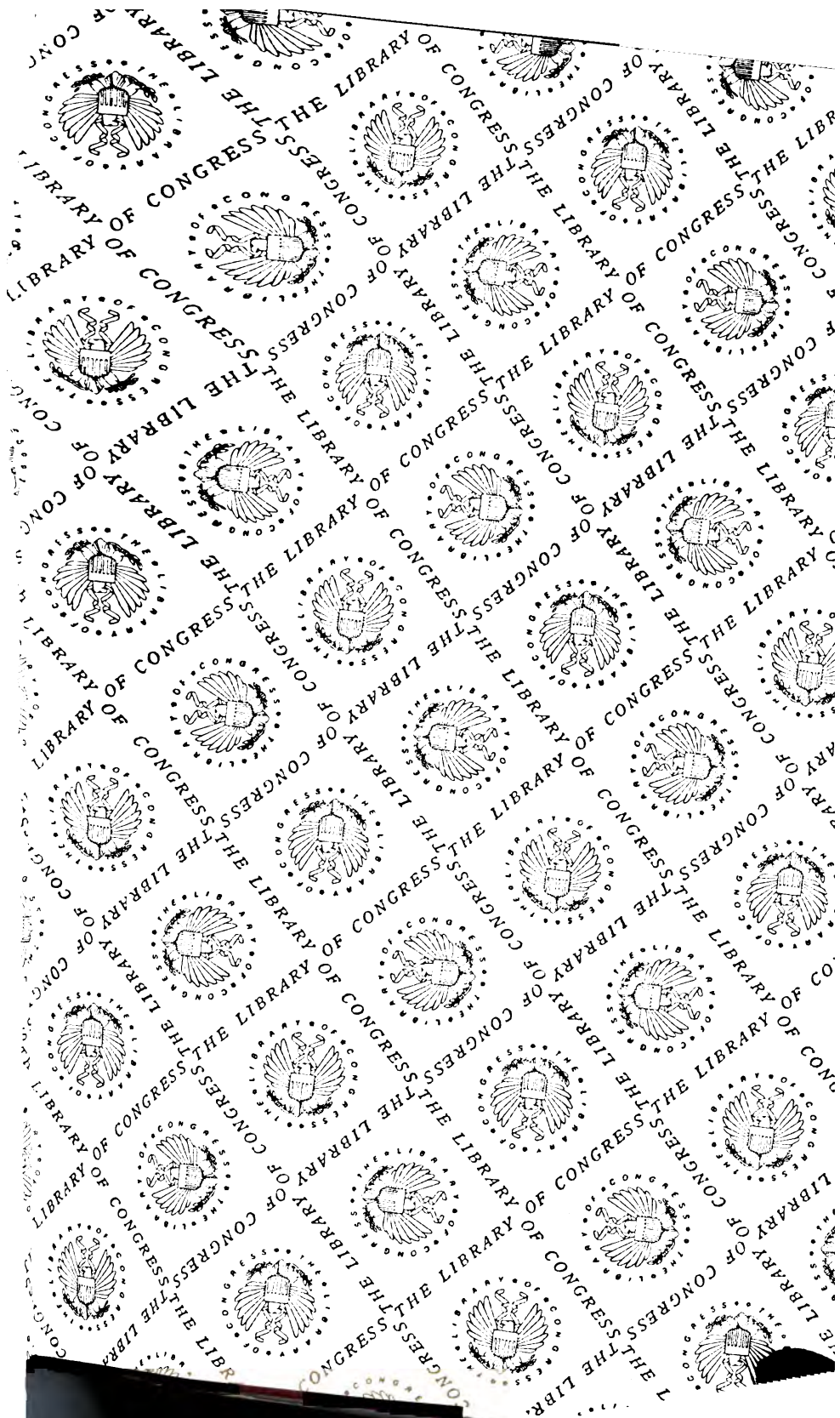
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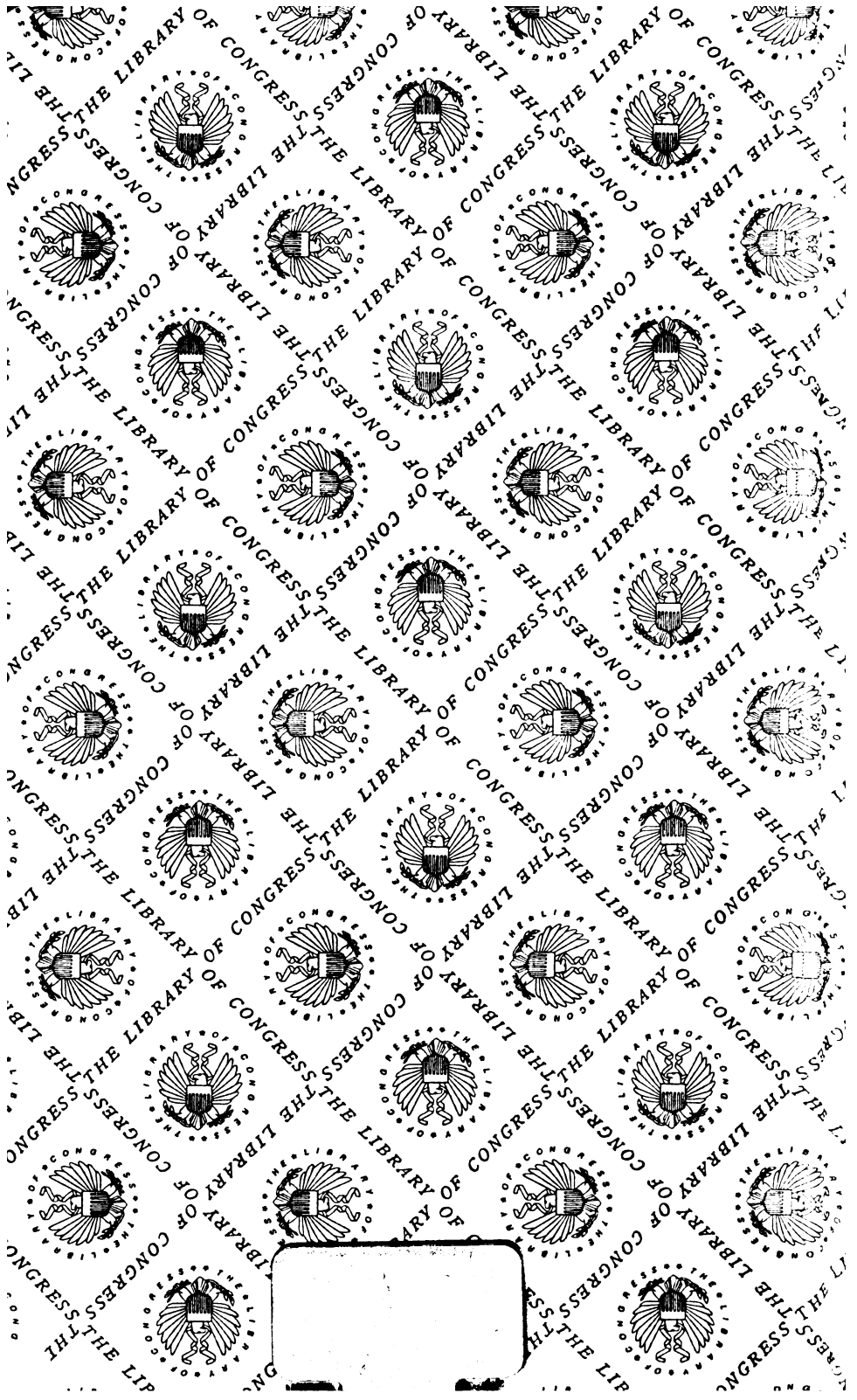
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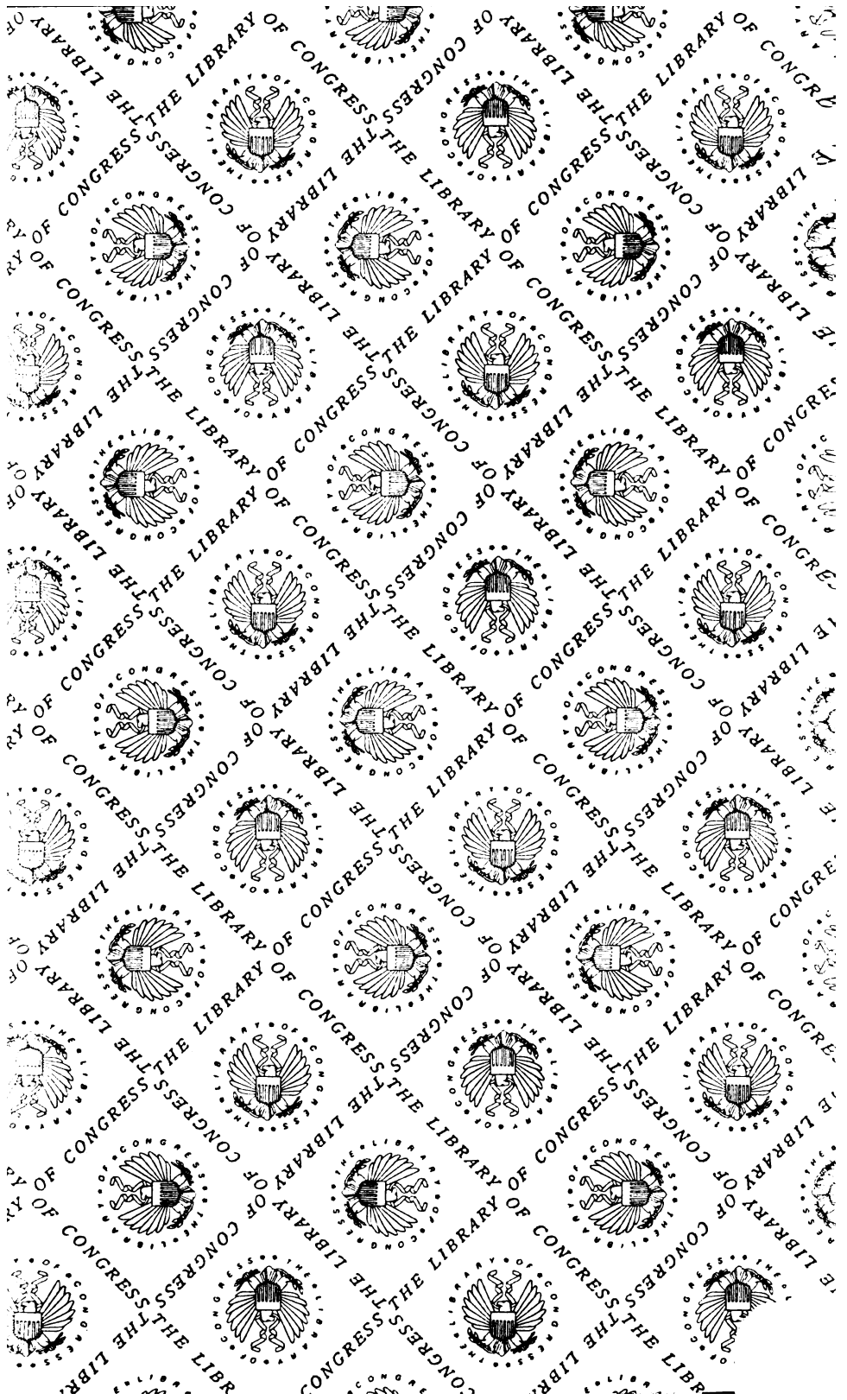
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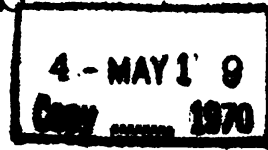


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U.S. Congress, House, Committee on Inter-
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HEARINGS

ON BILL



TO PREVENT THE DUMPING OF REFUSE MATERIAL IN LAKE MICHIGAN AT OR NEAR CHICAGO

PRINTED BY DIRECTION OF THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE



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DUMPING REFUSE MATERIAL IN LAKE MICHIGAN AT OR NEAR CHICAGO.

DEPARTMENT OF HEALTH,
Chicago, January 19, 1910.

HON. JAMES R. MANN,
House of Representatives,
Washington, D. C.

MY DEAR SIR: I understand from the morning's paper that you have introduced a bill for the prevention of dumping refuse in Lake Michigan near Chicago. Will you kindly send me a copy of the bill as soon as it is available in order that I may study it carefully?

We will send you within a few days a copy of the correspondence with the Secretary of War relative to this matter, also a copy of the first volume of the proceedings of the Lake Michigan water commission.

Since I returned I have gone over the bids made to the Sanitary District for the last work for which they contracted. There were three bidders: The Great Lakes Dredge and Dock Company, the Standard Construction Company, and the Fitzsimmons and Connell Company. The items that they were bidding on were 236,000 cubic yards from the South Branch of the Chicago River; 51,200 cubic yards in the South Branch of the Chicago River, and 23,400 cubic yards in the South Branch of the Chicago River.

The bids were made in three ways:

(A) The dumpage to be deposited in the lake in 60 feet of water.

(B) The dumpage to be placed in the present dumping ground.

(C) The dumpage to be placed behind breakwaters off Diversy boulevard to make additional ground for Lincoln Park.

I can furnish the details of each bid, but I have lumped the three bids on each of the three jobs under plan "A" and averaged them, and have done the same under plans "B" and "C." The average under plan "A" for the nine bids is $24\frac{1}{8}$ cents; under plan "B" is $23\frac{1}{4}$ cents; under plan "C" is $26\frac{1}{4}$ cents. Or, in other words, to dump the dredgings off Fourteenth street will cost a half cent less than to take it 8 miles out in the lake. It will cost $3\frac{1}{4}$ cents less than to take it to Lincoln Park and place it behind breakwaters. I understand that the Lincoln Park people are willing to pay from 5 to 8 cents, and this would mean that they would pay at least $1\frac{1}{4}$ cents more than the cost of the additional haul.

We are sending this additional data as to expense to the Secretary of War.

Yours, very truly,

W. A. EVANS,
Commissioner of Health.

DUMPING REFUSE IN LAKE MICHIGAN.

[H. R. 18700, Sixty-first Congress, second session.]

A BILL To prevent the dumping of refuse material in Lake Michigan at or near Chicago.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful to throw, discharge, dump, or deposit, or cause, suffer, or procure, to be thrown, discharged, dumped, or deposited, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state into Lake Michigan, at any point opposite or in front of the county of Cook, in the State of Illinois, or the county of Lake, in the State of Indiana, within eight miles from the the shore of said lake, unless said material shall be placed inside of a breakwater so arranged as not to permit the escape of such refuse material into the body of the lake and cause contamination thereof; and no officer of the Government shall dump or cause or authorize to be dumped any material contrary to the provisions of this act. Any person violating any provision of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not exceeding one thousand dollars.

DEPARTMENT OF HEALTH,
Chicago, January 25, 1910.

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am inclosing correspondence with the Secretary of War, in order that you may be thoroughly in touch with the situation. The eight pages marked "Statement of facts" are in part a statement of facts and in part argument. On page 8 there is a paragraph labeled "Proof." Proof that the water is frequently made turbid we can furnish in the shape of samples of turbid water. Proof that it spreads disease and causes death we can furnish in the shape of charts and other data.

In the book on water conditions in Lake Michigan sent to-day you will see that the Indiana towns have a higher death rate than Chicago from typhoid. We can furnish data showing that the district supplied by the Sixty-eighth street crib has the highest death rate of any city district supplied by an intake 2 miles out in the lake or over. This will be supplemented by spot maps and by analyses, chemical and bacteriological.

A fourth argument that I think should be effective is that a good deal of the dirt that is deposited in the lake around Twenty-second street flows to Thirty-ninth street pumps and in some measure clogs those pumps, and is in considerable part pumped over into the east fork of Bubbly Creek, where it tends to shallow the stream, a navigable stream which the Government is now engaged in dredging. I think we can furnish an affidavit or affidavits to this effect.

What, in your judgment, is the best method of procedure for the Senate?

Yours, very truly,

W. A. EVANS,
Commissioner of Health.

CITY OF CHICAGO, LAW DEPARTMENT,
OFFICE OF THE CORPORATION COUNCIL,
February 15, 1909.

In re power of city of Chicago to prevent the dumping of dredgings by United States Government contractors within 3 miles from the shore.

HON. W. A. EVANS,
Commissioner of Health, City of Chicago.

DEAR SIR: Your inquiry under date of February 8 as to "the rights of the city to prevent the dumping of dredgings at points

within 3 miles from the shore, when the dredging so deposited is being done by contractors holding contracts for this work with the Engineering Division of the War Department of the United States Government," has been referred to me, and in reply I beg to say:

Section 13 of the rivers and harbors act of March 3, 1899 (30 Stat. L., 1152), is as follows:

That it shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water; and it shall not be lawful to deposit or cause, suffer, or procure to be deposited material of any kind in any place on the bank of any navigable water or on the bank of any tributary of any navigable water, where the same shall be liable to be washed into such navigable water, either by ordinary or high tides or by storms or floods or otherwise, whereby navigation shall or may be impeded or obstructed: *Provided*, That nothing herein contained shall extend to, apply to, or prohibit the operations in connection with the improvement of navigable waters or construction of public works considered necessary and proper by the United States officers supervising such improvement or public work: *And provided further*, That the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of any material above mentioned in navigable waters within limits to be defined and under conditions to be prescribed by him, provided application is made to him prior to depositing such material; and whenever any permit is so granted the conditions thereof shall be strictly complied with, and any violation thereof shall be unlawful.

In 1899 the direct question here involved arose when the city authorities of this city attempted to prevent the dumping of dredgings in Lake Michigan by United States Government contractors within 8 miles of the shore in front of the city, under the provisions of a city ordinance forbidding such deposits. It seems that in proceeding under the authority of this ordinance several persons were arrested and the matter was brought to the attention of the Secretary of War, who requested the Attorney-General of the United States to furnish an opinion upon the legality of the ordinance and the power of the city to enforce it.

In an opinion of considerable length, Attorney-General John W. Griggs held:

1. The authorities of the city of Chicago have no legal power to prohibit the government contractors from dumping material dredged from the harbor at Chicago within the limits selected and designated by the Secretary of War, in accordance with the authority conferred upon him by law.

2. The power of the United States to regulate commerce is general, absolute, and without limit, either as to the time, place, or detail of its exercise, except as to waters whose entire navigability for commerce is limited to the confines of a single State.

3. This power includes the right to regulate the use of all the means and instrumentalities used in commerce, whether on sea, river, harbor, or land, and entirely irrespective of whether a State has attempted to regulate the same matter or not.

4. Commerce is not restricted to the purchase, sale, and barter of commodities, but it includes navigation, intercourse, and the reception and transportation and delivery of passengers and freight by land and water, and also the means or instrumentalities used in such commerce.

5. Congress has power to regulate and improve the harbors of the navigable waters of the United States, and this carries with it the right to deposit the material removed in making the improvements in any other part of the harbor or navigable waters or other place within its control.

This opinion may be found in full in 22 Opinions of Attorneys-General, 646. I have had copied and am sending you herewith that part of the opinion which is most strongly applicable to the case.

Section 4 of the rivers and harbors act of March 3, 1905, is in part as follows:

That the Secretary of War is hereby authorized and empowered to prescribe regulations to govern the transportation and dumping into any navigable water or waters adjacent thereto of dredgings, earth, garbage, and other refuse materials of every kind or description, whenever in his judgment such regulations are required in the interest of navigation.

It seems, therefore, that Congress by the passage of these laws has placed the power and discretion as to the matter of such dumping by government contractors in the Secretary of War, and that his authority to make rules and regulations is plenary. Congress, which has paramount power over the navigation and improvement of navigable waters in the interest of interstate commerce, has assumed control of the matter. This excludes all municipal or state regulation, even though such regulations may be based upon the police power in the interests of the public health.

I am of the opinion that the city of Chicago has no power or authority to prevent the dumping of dredgings at points within 3 miles from the shore when such deposits are being made by contractors under contracts with the Engineering Division of the War Department of the United States Government.

Very respectfully, yours,

CLARENCE N. BOORD,
Assistant Corporation Counsel.

Approved:

EDWARD J. BRUNDAGE,
Corporation Counsel.

Opinion of Attorney-General of the United States upon the power of city of Chicago to prevent dumping of dredgings by the United States Government contractors in navigable waters of Lake Michigan in front of city of Chicago.

DEPARTMENT OF JUSTICE, December 4, 1899.

SIR: I have the honor to acknowledge the receipt of your request, indorsed upon the papers, November 13, 1899, for an opinion "whether the authorities of the city of Chicago can legally prohibit the dumping of material dredged from the harbor of Chicago, under contracts with the Government, within the limits selected and designated by the Secretary of War, in accordance with the authority conferred upon him by the laws of Congress."

From the papers accompanying your request it appears that in 1897 some questions arose between the officers of your department in charge of harbor improvements there and the authorities of the city of Chicago as to where the material dredged from that harbor should be deposited with a view to the prevention from pollutions of the water of Lake Michigan in that vicinity, largely used for domestic purposes by the people of that city. In view of this the Secretary of War, with the assent of the city authorities, selected and designated the place for the deposit of such material in the waters of the harbor.

Afterwards contracts involving very large sums were made by the United States for dredging and deepening the harbor of Chicago

and for the deposit of the removed material within the limits thus designated by the Secretary of War. These contracts are in course of execution, and while being performed by the contractors, under direction of the United States, the city of Chicago has, so far as it can, prohibited the deposit of any such material in the waters of Lake Michigan within 8 miles of the shore in front of that city and arrested several of the persons engaged in making such deposit under said contracts within this 8-mile limit. This was done under an ordinance of the city forbidding such deposits within 8 miles of the shore, which ordinance was in force at the time of the designation, as above stated, of the place of deposit of dredged material, and when said contracts were made, but of which the United States officers do not appear to have been aware.

The case presented involves, upon the one hand, the jurisdiction and power of the United States in the exercise of its power to regulate commerce, and upon the other the jurisdiction and power of the city over and within the navigable waters of the United States, with a view to the health, comfort, and welfare of its people. Such questions in a Government like ours are always of a delicate character, and require delicate and considerate treatment. And it is to be presumed that the officers of the Government in charge of such work, in the exercise of the powers of the Government, will act, and, in fact, do act, with a proper regard for the health, comfort, interest, and convenience of the people who may be directly affected thereby, as well as of the general public. But, after all, it is generally in such cases more a question of power than of whether that power has been exercised in the best or the most reasonable manner. * * *

I have quoted thus largely from the opinion referred to because it states also the law applicable to the present case. Under the decisions referred to it can not be doubted that, under the constitutional power to regulate commerce, including, as that does, navigation and all the means and instrumentalities necessary to navigation, Congress has power to regulate and improve the harbors of the navigable waters of the United States by dredging the bottom and deepening the water, or in such other ways as it deems necessary in aid of navigation. And this, of course, carries with it the right to deposit the material thus removed in any other part of the harbor or the navigable waters of the United States, or other places within its control.

Probably this detail of the regulation of commerce—the improvement of harbors—is one in which the State or municipality has and may exercise jurisdiction until and except as the Federal Government has indicated its intention or exercised its jurisdiction; but whenever the latter is done it is exclusive of every other jurisdiction, control, or interference, as are all the powers vested in Congress. It is impossible to conceive of two supreme or sovereign powers in respect of the same matter; and as to harbors, and all that pertains to their improvement, the power to direct and control is supreme in either the State, the municipality, or the United States. It can not be in all, or in any two; and the power of either to dictate what improvements shall be made, or how, or when, is a supreme power in this respect. The Constitution “and the laws of the United States made in pursuance thereof,” which are “the supreme laws of the land, * * * anything in the Constitution or laws of any State

to the contrary notwithstanding," have vested this supreme power in Congress, and not in any State or municipality.

This constitutional power and control extend over all the navigable waters of the United States, except those the navigability of which for commerce is confined within the limits of a single State; and it is unnecessary to add that, as to the improvement of rivers and harbors, this power carries with it a discretion as to what improvements shall be made, how, where, and by what means. And because, as before stated, the navigable waters of the United States, both inside and outside of harbors, are under the control of Congress, that body may decide where or in what places in those waters any structure may or may not be built, and where any deposits of material may or may not be made. This is but a detail of the improvement, regulation, or protection of such rivers and harbors, and is clearly within the power of Congress.

But, like very many other powers conferred upon Congress, the power to improve rivers and harbors is one which Congress can not itself execute directly and in person, but must be executed by agents thereto appointed; and, for many years, nearly all of this has been by Congress referred to and placed under the direction of the Secretary of War, who in the performance of this duty exercises the power of Congress and of the United States. As is said by the Supreme Court in *Wisconsin v. Duluth* (96 U. S., 379) on page 383:

The operations of the Government in this regard have been conducted by the Bureau of Engineering as a part of the War Department, to which Congress has confided the execution of its wishes in all these matters.

This reference of such matters to the Secretary of War, and to his direction, is most commonly made by the acts making appropriations for such improvements, which generally provide merely that the money there appropriated is to be expended under the direction of the Secretary of War. This is also the case in the act of March 3, 1899, making appropriations for the improvement of the harbor at Chicago, here under consideration. It provides:

That the following sums of money are hereby appropriated, * * * to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers.

And while the act specifies some of the improvements to be made, yet the whole matter of the manner of making them, both generally and in detail, is, by the act, placed under the direction and discretion of the Secretary of War, and under the supervision of the Chief of Engineers, as is usual in such cases, who, in directing such improvements, generally and in all their details, and those acting under them, are exercising the powers of Congress and of the United States, lawfully conferred upon them, and they can not be interfered with in the performance of this duty by any State or municipal authority. And it follows also that the Secretary of War, in thus selecting and designating a place for the deposit of material dredged from the harbor, was quite within the limit of his power and duty.

If it be thought that, in the performance of the work of improving the harbor at Chicago, any detail of the mode adopted by the Secretary of War—for instance, the place selected for deposit of dredged material—will be injurious or dangerous to the health or comfort of the people of that city, the remedy is by appeal to the good sense, discretion, and fairness of the Secretary, and not by municipal inter-

ference with public work ordered by Congress, or the arrest of persons engaged in that work. And while an ordinance of the city of Chicago may, as to all persons subject to its jurisdiction, forbid the deposit of any heavy substance in the waters of Lake Michigan within 8 miles of the shore in front of that city, it can not control or limit the power of Congress over the navigable waters of the United States, nor dictate where it shall or where it shall not deposit, within such waters, material removed in the improvement of one of its harbors.

I have, therefore, to advise you that the authorities of the city of Chicago have no legal power to prohibit the government contractors referred to from depositing, by direction from your department, the material removed in the work of improving the harbor at that place within the area heretofore designated therefor by the Secretary of War.

Respectfully,

JOHN W. GRIGGS.

The SECRETARY OF WAR.

SEPTEMBER 24, 1909.

HON. JACOB M. DICKINSON,
Secretary of War, Washington, D. C.

MY DEAR SIR: I am inclosing an opinion from Attorney-General Griggs, rendered at a time when the question of the location of dumps was before the War Department. At that time the city was objecting to the location of the dumping areas, and they proceeded to enforce those objections by arresting the contractors who were dumping under contract with the United States Government. I also send an opinion furnished me by the corporation counsel's office, and I wish especially to direct your attention to a few points of especial importance in the matter which we are now considering.

You will notice on the first and second pages of the opinion from the corporation counsel there is a quotation from the rivers and harbors act of March 3, 1899, from which it would appear that this section was essentially a health section, but that certain exceptions to the health provisions were granted to the Secretary of War, both as relates to dumping in connection with public works and dumping by others within navigable waters.

The authority of the Secretary of War is to make reasonable rules and regulations, and I believe that the inference is fair that these rules and regulations should be reasonable, both as to navigation and as to health considerations. Especially do I get this idea from reading the opinion of Attorney-General Griggs. From this opinion I quote from page 2 of the manuscript as sent:

The case presented involves, upon the one hand, the jurisdiction and power of the United States in the exercise of its power to regulate commerce, and upon the other, the jurisdiction and power of the city over and within the navigable waters of the United States with a view to the health, comfort, and welfare of its people. * * * And it is to be presumed that the officers of the Government in charge of such work, in the exercise of the powers of the Government, will act, and, in fact, do act, with a proper regard for the health, comfort, interest, and convenience of the people who may be directly affected thereby, as well as of the general public.

And, again, on pages 3 and 4:

It is impossible to conceive of two supreme or sovereign powers in respect of the same matter; and as to harbors and all that pertains to their improvement, th

power to direct and control is supreme in either the State, the municipality, or the United States. It can not be in all or in any two, and the power of either to dictate what improvements shall be made or how or when is a supreme power in this respect.

And, further:

The Constitution and the laws * * * have vested this supreme power in Congress and not in any State or municipality.

And on page 6:

If it be thought that, in the performance of the work of improving the harbor of Chicago, any detail of the mode adopted by the Secretary of War—for instance, the place selected for deposit of dredged material—will be injurious or dangerous to the health or comfort of the people of that city, the remedy is by appeal to the good sense, discretion, and fairness of the Secretary, and not by municipal interference with public work ordered by Congress, or the arrest of persons engaged in that work.

Although the quotations by the corporation counsel of section 4 of the rivers and harbors act of 1905 mention only that rules and regulations shall be made whenever such regulations are required in the interests of navigation, I do not believe that this could be construed, in the light of the opinion of Attorney-General Griggs, that such rules and regulations shall take into consideration no elements other than navigation.

The authority for the control of a matter so vital to health as drinking water must rest with somebody. And, if it has never rested with the city, or has been taken by the National Government out of the hands of the city, then it would seem to me that, as a basic principle of law, "the tail must go with the hide." The Government can not say, "We will not allow you to police your water, as we have supreme control of it and will not do it ourselves."

Furthermore, such has never been the basis of action on the part of the Government. Dumping has never been done in the most economical location, but it has always been done in more expensive locations, determined by what seemed to be the most sanitary policy for the time being.

So long as Chicago's sewage was being emptied all along the shore line by sewers opening at many points directly into the lake, the polluted water offshore at Fourteenth street seemed to be the safest place in which to do further polluting. It certainly did not represent the most economical haul, and our asking now is that the National Government exercise the same reasonable care to prevent harming the water under the now existing conditions that it exercised in locating the dumping grounds in areas determined upon as relatively safe at a time when different conditions prevailed.

My object in sending this communication to you is in order that you might have clearly in mind the legal aspects of the question concerning which your mind seemed to be somewhat in doubt when I met you in Chicago on the 16th instant.

I am, yours, very truly,

W. A. EVANS,
Commissioner of Health.

Statement of facts.

At the present time about 2,000,000 cubic yards of material are dumped each year in Lake Michigan contiguous to Chicago, Hammond, Whiting, and East Chicago. A part of this is dredging done under contract between the United States through the Engineering Bureau

of the War Department and dredging contractors; a part of it is done under contracts of various sorts between various people; some of it is removed from water courses, placed on boats and dumped in the lake; most of it is removed from the land to boats and dumped into the lake for reasons of cheapness of disposition; a part of it represents trade waste so unpleasant that land disposition is objected to.

This material is dumped in areas in the lake established by the War Department Engineering Bureau. The two areas so designated are 1,000 feet offshore opposite Fourteenth to Thirty-ninth streets, in 12 feet of water, and 1,000 feet offshore east of the mouth of the Calumet River in 12 feet of water.

The authority for the establishment of such dumps is set forth in the law as interpreted by Attorney-General Griggs under date of December 4, 1899. These locations were determined upon after various conferences between the authorities representing the city of Chicago and the Engineering Bureau of the War Department.

The consideration responsible for the selection of these grounds on the part of the Engineering Bureau was economy of disposition. The consideration responsible for the acquiescence of the city of Chicago was that the sewers of the city were at that time emptying into Lake Michigan at various points along the shore from Evanston to Indiana Harbor; that therefore all of the water close inshore was polluted at that time and that to further pollute that which was already polluted was better than to pollute waters which were free from pollution.

These dumping grounds having been established by the United States Government and control of them being vested in the Government, they are made use of by other parties who deposit material in bulk in excess of that deposited by the Government, and, occasionally, much more offensive. In fact there is no present proper control by which material of any character could be excluded from such dumping grounds.

In the last three years conditions have changed. No Chicago sewage now goes into Lake Michigan within 10 miles of the Fourteenth to Thirty-ninth streets dumping ground in any direction.

The shallow shore waters off the city are not materially polluted, as the character of the banks does not lead to the discharge of storm water into the lake.

We have, then, the south side dumping polluting waters which are relatively free from pollution. Many analyses demonstrate the truth of this statement.

The Calumet dumping is done sometimes within 1,000 feet of the Hammond intake. When the wind is from the west most of this pollution is swept directly to the intakes of Hammand, East Chicago, and Whiting. When it is from the east it is swept directly to the Sixty-eighth street intake. Abundant analyses prove the truth of these statements.

The municipalities of northern Indiana located on Lake Michigan are planning to take care of their sewage. Their typhoid death rate is very high. They are meeting with some opposition from people who oppose the necessary expenditures, because it will be rendered futile by the dumping allowed by the Government. If this dumping ground is so placed as to be safe for the people of northern Indiana

then they will be willing to proceed with the necessary improvements. At least this is the judgment of those most in touch with the people of these towns.

This dumping zone is partly off the shore of Illinois and partly off the shore of Indiana. The water is 12 to 15 feet deep. At least once a month there is wind enough to stir the water to the entire depth and to scatter whatever may be lying loose on the bed of the lake. The material dumped consists of dredging from the rivers in part in Illinois and in part in Indiana. The deposited material is carried in part to the water intakes of Illinois and in part to the water intakes of Indiana.

While theoretically this material is put in waters less than 12 feet deep, and therefore not navigable, practically, owing to the types of scows used, it is put in waters 15 to 16 feet deep.

We have learned of no evidence, official or unofficial, going to show that these dumping grounds, maintained now for more than ten years, have in any way affected navigation by (1) shallowing the waters; or (2) by causing the formation of bars; or (3) diverting or causing currents; or (4) obstructing the course of ships by scows in the act of dumping; or (5) by rendering the water unfit for boiler purposes for an inconvenient distance from the dumping ground. Our knowledge of lake conditions leads us to believe that none of these objections will ever prevail.

Our request made to the Engineering Bureau of the War Department was that these dumping grounds be changed to points 8 miles in the lake or else behind breakwaters. Our plea was that the water 8 miles out was more than 65 feet deep and that this is the greatest depth to which the waters of the lake are ever stirred; that therefore the dumped material would speedily sink to a depth where it would not be disseminated into the waters from which our drinking water is taken; and that, lying beyond these depths, the organic part of it would be destroyed by fish, oxygen, and by those saprophytic bacteria tenacious of life at a temperature at which typhoid and the diarrhea organisms but feebly exist. Where the other alternative was used, the breakwater would serve to protect the general water area far better than it is at present protected.

The dumping ground up to about five years ago was in the lake beginning at a point $3\frac{1}{2}$ miles southeast of the harbor entrance in water 38 feet deep and over. The east and south boundary of this dumping ground was not established. This ground was changed upon the opening of the 4-mile crib, on account of its nearness thereto.

On the presentation of our petition to General Marshall, Chief of the Engineering Bureau, we were told that he sympathized with us in our desire to protect the lives and health of those under our care, but that the obligations of his office demanded that he pay attention solely to the economy of disposal; that he would have no right to pay any heed to health or life if such consideration increased the cost of the work. He suggested that he would have two remedies: The first, an appeal to Congress; the second, an appeal to the administrative discretion of the Secretary of War. Congress is now in special session, called to consider matters not related to this matter and deeply interested in another matter of great moment. Relief from that source would probably be delayed for more than a year.

We therefore appeal to the Secretary of War.

The matter immediately concerns the life and health of 2,500,000 of people, more than 2 per cent of all the people in the United States. These people reside in two States.

In connection with this appeal, we submit the following argument: The opinion of the Attorney-General denies the city any right to sanitary control of its water supply if its supply is drawn from waters used for purposes of navigation.

Cities can not exist without a properly protected water supply: This is self-evident.

If the United States Government refuses to allow a city to control its water supply, then it is compelled (in equity) to assume the needed control itself. The right of self-protection is fundamental—the first law of nature. A superior can not take it from an inferior without guaranteeing protection to that inferior.

Therefore, if the United States Government refuses to allow the city to help itself, they must extend the needed relief either through channels already technically provided or else through the administrative discretion allowed executives.

Such is the precedent in this case. The oath of office of the Engineering Bureau demands that dredging material should be disposed of in the most economical method possible. Obviously, it would be cheaper to dump dredgings, say, within 100 feet of the mouth of the river than to haul it to a point 1,000 feet offshore or to a point $3\frac{1}{2}$ miles southeast of the harbor mouth, as in the previously established dumping grounds. These locations represented a compromise between the narrow view, namely, the physical view of the economical method of disposal and the broader view of the economies which necessitated a proper regard for human safety as an element of economic disposal.

Each of these dumping grounds was determined by a proper regard for safety according to the conditions then prevailing. Three and one-half miles was safest when there was no 4-mile tunnel. When the 4-mile tunnel was opened the sewer-polluted shore was safest. Now, there being no sewers on the shore line, the present dumping ground is no longer the safest.

The interference with navigation, real or potential, is, at most, of minor importance. The interference with the quality of the water supply is a matter of the greatest present importance. In Chicago it costs, let us estimate, 50 lives a year and an illness of more than a month in 500 people. It costs large sums of money spent for filters and for filtered, distilled, and spring waters. In Indiana the harm which it is doing is many times as great. It costs more lives, more illness, and more money. It operates to prevent the people of the cities of Hammond, Whiting, East Chicago, Indiana Harbor, and Gary from taxing themselves to properly dispose of their sewage. On the sanitary side it is not a theory, it is a condition.

The opinion of the Attorney-General is that the paramount rights of the United States extend not only to navigation and commerce, but also to acts tending indirectly to promote the same; for example, dredging the channel. It is to the effect that disposal of the dredged material is a necessary part of this procedure and the city shall not interfere with this disposal.

Let us discuss the last sentence, which is the item germane to the present matter.

The city does not say that they shall not dump. We do not think that it is claimed that the city's petition is to prevent dumping or seriously to interfere with it. The cost of dredging may or may not be, but probably will be, increased. It is not claimed that the increase in cost will be prohibitive or will constitute a serious embarrassment; therefore, far from preventing improvement of navigable waters, it will not operate to materially influence the difficulties of the work.

It is not that the city would close all waters to dumping or in that way to make dumping impossible. The waters not regarded as safe for dumping are a negligible fraction of all the square miles of the lake. Nor is the added cost a matter of serious consideration and certainly is not prohibitive.

Is the whole matter not simply one of police regulation, similar in principle to many now in force, e. g., presence of inspectors, manner of loading, manner of unloading, method of reporting, and subject, therefore, to the necessity of proving reasonableness?

So long as regulations are not prohibitive and not unreasonably hampering, to what limit can the United States go? Would they have the right to fill North avenue with dumpage or privately owned property adjacent to North avenue, or would they have the right to dump in the Carter Harrison crib, that being a cent a yard cheaper than some other dumping place?

Is not this rather the law? The Government does such dredging as is provided for under the laws governing commerce and navigation. As dumping is essential to dredging, the city has no right to prevent dumping. At the same time the city has the right to prevent dumping in any place in which it can reasonably show that dumping is a menace to the water supply. The prevention is not of dumping, but of the use of a certain place for dumping, other places being accessible and available for dumping.

Has the Government any right to interfere with the police powers of the State when such interference is in no sense a necessity, but is a convenience somewhat remotely related to procedures not necessary for navigation but admittedly advantageous thereto?

Is it not the province of the State and city to say: "This is drinking water and nothing deleterious shall be dumped therein?" And then for the Government and all others to proceed to dump outside of the limits set by the city. The act of the city being always under necessity of demonstrating its reasonableness, this reasonableness can always be made the subject of legal inquiry. In such inquiry the limitations of liberty as well as the good to be accomplished are always proper subjects of inquiry.

Proof of the reasonableness of this request is furnished by exhibits attached. They prove, first, that the water is frequently made turbid; second, that it spreads disease and causes deaths; third, that the presence of these government-sanctioned evils makes it impossible to secure municipal action to cure conditions for which responsibility is with the municipalities.

The exercise of police powers by a State or municipality is subject to proof of its reasonableness. If, now, the Government dumps in such a way and in such a place as to harm the cities, will it not result practically that control of private dumping will be impossible?

Convictions of violation of police laws will always fail, and practically dumping of anything, by anybody, anywhere, will be in vogue.

Is this not now resulting in the reckless dumping of highly objectionable trade wastes in navigable waters used for drinking purposes?

CHICAGO, ILL., June 9, 1909.

HON. JACOB M. DICKINSON,
Secretary of War, Washington, D. C.

DEAR SIR: We, the undersigned, representing the various governments and organizations quoted in connection with our names, hereby appeal to you to take such action as may be necessary to prevent dumping of dredgings and other materials in Lake Michigan by contractors under contract with the War Department, or who may in future be under contract with the War Department, in water less than 60 feet deep in the vicinity of the cities of Chicago, Hammond, Whiting, East Chicago, Indiana Harbor, and Gary, unless such dumping be done behind breakwaters so constructed as to prevent pollution from this dumped material reaching the water intakes of the cities concerned.

Such dumping as is now being done, and as has been done for several months past, is needlessly costing lives and health. General Marshall informs us that with the Engineering Corps no discretion lies, but that the head of the department can take into consideration other factors than the simple cost of disposal. In times past such considerations have been taken into account.

Prior to 1897 dumping was done $3\frac{1}{2}$ miles southeast of the Chicago Harbor mouth. This haul did not represent the maximum economy, viewed narrowly, and yet it did mean economy when the cost of illness was calculated. In 1897, when conditions changed, the dumping ground was changed to its present location. This, in turn, was not the most economical point at which dumping could have been done, but it was the safest point at which economical dumping could be done.

Now, conditions have again changed, and our petition is that you weigh health conditions in determining the location of the dump. This we believe to be all the more important in view of the fact that the Attorney-General is of the opinion that the cities concerned have no health rights in this particular matter, but that a proper regard for health rights can be confidently expected by them at the hands of the National Government.

Yours, very truly,

Commissioner of Public Works and Commissioner of Health, representing the city government of Chicago. President Lake Michigan Water Commission, with the following delegated membership: Dr. Frank W. Shumway, secretary state board of health, Lansing, Mich.; Dr. Perry Schurtz, Grand Rapids, Mich.; Dr. A. J. Lauer, Whiting, Ind.; Prof. R. L. Sackett, La Fayette, Ind.; Harry Everett Barnard, state board of health, Indianapolis, Ind.; Maj. Charles S. Bromwell, Corps of Engineers, Milwaukee, Wis.; D:

DUMPING REFUSE IN LAKE MICHIGAN.

George B. Young, Public Health and Marine-Hospital Service, Chicago; Prof. Edward Bartow, director state water survey, Urbana, Ill.; Dr. A. Gehrman, Chicago, Ill.; C. D. Hill, engineer board of local improvements, Chicago, Ill.; Dr. Gerhardt A. Bading, commissioner of health, Milwaukee, Wis.; Sherburn M. Becker, Milwaukee, Wis.; Dr. Q. O. Sutherland, state board of health, Janesville, Wis. Secretary Lake Michigan Sanitary Association, with the following membership: R. C. Hall, ex-president Chicago Association of Commerce; D. H. Jackson, mayor, Lake Forest, Ill.; W. A. Evans, M. D., Chicago, Ill.; J. H. Van Vissingen, Winthrop Harbor, Ill.; Jos. E. Paden, mayor, Evanston, Ill.; J. W. Work, Evanston, Ill.; S. T. Henry, associate editor Engineering Record, Chicago; Jos. MacCallum, North Shore Business Men's Association, Evanston, Ill.; J. H. Moore, commissioner of public works, Evanston, Ill.; E. H. Bennett, Chicago, Ill.; O. C. Simonds, Chicago, Ill.; D. H. Perkins, architect board of education, Chicago; Henry T. Lee, editor Calumet Record, Chicago; James H. Shields, Highland Park, Ill.; J. F. Leaming, Highland Park, Ill.; George Higginson, Chicago, Ill.; Frank A. Windes, board of improvements, Winnetka, Ill.; James O. Heyworth, Lake Forest, Ill.; James F. Porter, Hubbard Woods, Ill.; Dr. James Burry, Chicago, Ill.; Robert R. McCormick, president Sanitary District of Chicago; Ayres Boal, Winnetka, Ill.; Dr. C. St. Clair Drake, Chicago, Ill.; Prof. Edward Bartow, director state water survey, Urbana, Ill.; W. L. Tambling, Zion City, Ill.; John G. Specher, M. D., Zion City, Ill.; Albert C. Wenyan, Wilmette, Ill.; John D. Couffer, mayor, Wilmette, Ill.; Henry H. Walker, Chicago, Ill.; Dr. J. A. Egan, secretary state board of health, Springfield, Ill.; Dr. Geo. W. Webster, president state board of health, Chicago; Wm. J. Hibbard, Chicago, Ill.; Wm. Hard, Chicago, Ill.; W. H. Clendenen, mayor, Zion City, Ill.; H. Denzel, chairman fire and water commission, Highland Park, Ill.; John W. Alvord, hydraulic and sanitary engineer, Chicago, Ill.; O. E. Strehlow, Chicago, Ill.; Chas. H. Jackson, chairman sewer and water commission, Wilmette, Ill.; W. H. Chase, chairman City Club drainage commission, Chicago, Ill.; A. L. Winton, chief Chicago Food and Drug Laboratory, United States Department, Chicago; Dr. J. F. Biehn, Chicago, Ill.; Edward A. Halsey, secretary Chicago River and Harbor Association, Chicago, Ill.; H. E. Barnard, chemist state board of health, Indianapolis, Ind.; Lawrence Becker, mayor, Hammond, Ind.; Dr. W. D. Weis, secretary board of health, Hammond, Ind.; Dr. T. B. Templin, health commissioner, Gary, Ind.; Dr. A. J. Lauer, board of health, Whiting, Ind.; Dr. J. N. Hurty, secretary

Indiana state board of health, Indianapolis, Ind.; Geo. W. Ross, Calumet Deep Waterway Association, Indiana Harbor, Ind.; T. E. Knotts, mayor, Gary, Ind.; A. J. Horlick, mayor, Racine, Wis.; Dr. G. A. Bading, commissioner of health, Milwaukee, Wis.; Q. O. Sutherland, Wisconsin state board of health, Janesville, Wis.; Geo. C. Ruhland, bacteriologist, Milwaukee, Wis.; James T. B. Bowles, chemist, Madison, Wis.; Fred L. Hook, secretary South Milwaukee Improvement Association, South Milwaukee, Wis.; Phillip Knoll, mayor, South Milwaukee, Wis.; P. H. Connolly, city engineer, Racine, Wis.; Dr. F. W. Shumway, secretary state board of health, Lansing, Mich.; L. L. Wright, superintendent public instruction, Ironwood, Mich.; Perry Schurtz, M. D., Grand Rapids, Mich.; F. A. Graham, M. D., ex-mayor, Ludington, Mich. Chairman Civic Industrial Committee and vice-president the Chicago Association of Commerce; industrial commissioner the Chicago Association of Commerce; health commissioner of Hammond, and delegated to represent the governments and the commercial associations of Hammond, Whiting, East Chicago, and Gary, Ind.

Maj. THOMAS H. REES,
Corps of Engineers, U. S. Army, Chicago.

Referring to the petition to the Secretary of War, dated June 9, 1909, from the health department of various cities and from other citizens, and to the first indorsement of the Chief of Engineers, dated June 2, 1909, attached thereto, relative to places for dumping dredged material and the effects of such dumping on sanitation, I have the honor to submit as follows:

1. Dredging under contract with this office is at present carried on at three places, to wit: In the North Branch and in the South Fork of the South Branch of Chicago River and in the Calumet River, Illinois.

Two additional contracts are about to be entered into, viz, for dredging in the south and north turning basins, respectively. There was one contract in force in the North Branch and in the South Fork of Chicago River, but operations in the former were completed on that date. Those in the latter were completed on the 5th of May last.

2. *Dredging in Chicago River.*—The specifications governing the now existing contract for dredging in Chicago River provides that all material not dumped behind breakwater, etc., but in the lake, would be placed "as near the shore as practicable and about 1,000 feet or less therefrom in the dumping ground between prolongations of Sixteenth and Twenty-second streets." The haul to said dumping ground averages about 7 miles from the North Branch and about 9.5 miles from the South Fork.

Specifications for the work about to be contracted for dredging in the two turning basins provide for alternate dumping places, viz, on the same places as given above, between Fourteenth and Twenty-second streets or inside of the Lincoln Park breakwater. Agreement

has been entered into with the Lincoln Park Commission by which the latter dumping place will be used provided that the said commission make proper provisions for receiving the material and pay the additional cost.

3. *Dredging in Calumet River.*—No dumping is done in Lake Michigan from the work now in progress in Calumet River. A hydraulic dredge is employed on this work and the material is deposited on the adjacent land.

4. The question to be primarily considered at the present time is accordingly reduced to a consideration of the effect of the dumping in progress in Chicago River on the water intakes of this city; for this dumping can hardly affect the intakes at either Hammond, East Chicago, Indiana Harbor, or Gary.

The material taken from the South Fork of the South Branch is unquestionably of a very offensive character, but would be far less so if the large pumps of the pumping station at Thirty-ninth street and Lake Michigan were operated to their full capacity, which is not done, although two pumps at that station transfer the sewage from the intercepting sewer at this place to the east arm of South Fork and thence to the fork, where a considerable portion of it settles from the lack of sufficient flushing and is left to the United States Government to remove, instead of being carried down to the Drainage Canal, as projected.

The shoaling of the south turning basin now about to be removed has been brought about chiefly in this manner and with this kind of material.

The North Branch, as well as South Fork, were dredged in 1896 to 1898 to a depth of 17 feet under the existing project. The project under which the work is now in progress is for a depth of 21 feet in the former and 23 feet in the latter below Chicago city datum. Thus the dredged material in the North Branch is largely composed of the original bottom soil, generally clay, about 4 feet in depth, covered more or less with deposits from the various city sewers emptying into the river. In the South Fork the original soil was mixed to a considerable extent with offal from the various slaughterhouses at the stock yards, which had accumulated during many years and was extremely offensive.

5. As set forth in the petition, the location of the dumping grounds have been changed from time to time to conform to altered conditions. The last location (described in paragraph 2 above) has up to date been considered as the least objectionable, but complaints even of this place have been frequently made, but without any suggestion as to an entirely practicable and satisfactory substitute. The only substitutes proposed so far are, first, to place the material behind the breakwaters, and, second, to dump it in the lake in 60 feet depth of water, which will be found at about 6 miles from shore.

To dump behind breakwater is dependent upon the existence of such breakwaters with a reasonable distance from the work, and provisions of this character have been accounted for above (par. 2). If the distance was the only point to be considered, the question would be simple enough. When a contractor submits bids for a certain work, he will necessarily have to consider all the conditions affecting probable loss of time and risk to his plant. Severe northerly storms are liable to come up unexpectedly in a very short space

of time and endanger his plant. To guard against such emergencies he would need stronger-built tugs and scows than are now required; and for extra long hauls would probably require two tugs where one is now sufficient to keep the dredge at work without interruption. Last, but not least, a tug or scow sunk by accident in comparatively shallow water, say 20 to 25 feet, would be recovered at what would be considered a reasonable cost, whereas if sunk in depth of 50 to 60 feet the recovery, if at all practicable, would entail an expense that would be practically prohibitive.

I am therefore of the opinion that the rate increase in cost for an increased distance from the shore would far exceed a direct proportion to such distance. Without having any definite data upon which to base any close estimate, I would suggest as probably reasonable and fair an increase over ordinary cost of dredging of 2 cents per cubic yard for the first 2 miles of such increase, 3 cents for the next 2 miles, 4 cents for the next 2, and 6 cents for the next. This, if considered reasonable, would make the extra cost for a distance of 8 miles 15 cents per cubic yard.

6. Considering next the subject of future disposal of dredged material, the foregoing together with a sketch, respectfully submitted herewith, showing the location thought most suitable for dumping in deep water, will probably cover plans as relating to work in Chicago River harbor. To reach a depth of 60 feet at Calumet Harbor, the dump scows would have to be taken about 10 miles east from the mouth of the Calumet Harbor or to a comparatively small area $8\frac{1}{2}$ miles about north 75° east from this point. This depth is also found at about $3\frac{1}{2}$ miles about northeast from Gary Harbor.

7. Three concerns located at the mouth of Calumet River have recently obtained authority to extend their holdings by reclaiming several hundred acres from the adjacent part of the lake. This will require construction of dock and breakwater and an enormous amount of filling behind them and will therefore furnish means for dumping disposal in this region for a number of years to come.

8. The phraseology in the petition to the Secretary of War appears to intimate that all the contamination of the water at the various intakes is due to the dumping of dredged materials. No mention is made of sewage entering into the lake, in several cases quite near the water intake and still such sewage is probably many times more responsible than any dredged material for the pollution of the water supply.

9. From the sketches furnished by the petitioners and attached to their petition, I have derived the data given below. As the sketches referred to are blueprints and without any statement as to the scale used, the distances given below are necessarily only approximate, though comparisons with other maps indicate that they are sufficiently close to the actual ones to adequately illustrate existing conditions.

RELATIVE LOCATIONS OF WATER INTAKES AND SEWERAGE OUTLETS
BETWEEN CALUMET HARBOR AND INDIANA HARBOR.

About $1\frac{1}{2}$ miles southeasterly from Calumet Harbor or at the Illinois and Indiana State line is a 12-inch intake pipe built for the Albert Schwill Malting Company.

One mile farther southeast, just before reaching the Wolf Lake outlet, a glucose sewer empties into the lake and (chart 3) shows a maximum bacterial count at this place of 3,500,000(?).

Two blocks (about 600 feet) on the other side of Wolf Lake outlet is the city of Hammond intake, a 36-inch pipe supplying Hammond with water.

About 2,000 feet farther southeast are two 36-inch sewer pipes. Maximum bacteria count (chart 3) 900,000(?).

One mile southeast of this place is the Whiting water intake, and one-half mile farther a 3-foot sewer at Whiting, with maximum bacterial count (chart 3) 500,000.

About $1\frac{1}{4}$ miles beyond (or about 6.5 miles from Calumet Harbor) is the Indiana Harbor.

The East Chicago water intake is about five-eighths of a mile southeast of this harbor entrance.

One-half mile farther a 36-inch sewer empties into the lake. The maximum bacterial count is given (chart 3) at 65,000.

11. The dumping ground last used for the Calumet River dredging was provided for in specifications governing the contract (par. 31) as follows:

* * * In Lake Michigan either about 2 miles easterly from the Calumet Harbor breakwater in not less than 28 feet of water or north of said breakwater as near as practicable to it and to its shore end.

12. In addition to the foregoing it may be mentioned that, with the exception of the last two contracts for work in the Chicago River, practically all the material dredged in Chicago during about three years past was utilized in the filling up of Grant Park.

Also Calumet River, practically a large sewer, receiving and transmitting to the lake the sewage of something like half a million people, as the sewage of Gary, Hammond, with its chemical works, glucose factories, etc., Hegewisch, Riverdale, Cummings, Kensington, and South Chicago, is emptied into that stream.

Very respectfully,

G. A. M. LILJENCRA NTZ,
Assistant Engineer.

1. Respectfully forwarded to the Chief of Engineers, U. S. Army, with a sketch showing the dumping grounds authorized or suggested, and a report on the disposal of dredged material, prepared under my direction by Mr. G. A. M. Liljencrantz, assistant engineer, in which report I concur.

THOS. H. REES,
Major, Corps of Engineers.

DEPARTMENT OF HEALTH,
Chicago, March 29, 1910.

HON. JAMES R. MANN,
House of Representatives,
Washington, D. C.

MY DEAR SIR: We are sending you some photographs of scows that are loaded with refuse material. These scows are hauled out into the lake and their contents are dumped. The other set of photographs consists of pictures offshore at Jackson Park. They

were furnished us by Superintendent Foster. This is stuff that has been dumped in the lake and that washes up on their shore.

We get similar complaints from the Chicago Beach Hotel. They have brought us in letters bearing the address of Chicago firms. These letters were a part of the store refuse which had been dumped in the lake from scows and later washed on the beach at Fifty-first street.

We have just had a telephone complaint that scows are dumping a greasy, tarry manufacturing waste.

Some part of this we are able to control under our present ordinances, and yet it is difficult. The other parts we can not think of controlling without additional legislation, and your bill is just the type of legislation that is most needed.

We have other material to furnish you, should you desire it.

Yours, very truly,

W. A. EVANS,
Commissioner of Health.

(Illustrations referred to not printed.)

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 2, 1910.

The SECRETARY OF WAR.

SIR: 1. I have the honor to return herewith a letter dated January 20, 1910, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing, for the views of the War Department thereon, H. R. 18700, Sixty-first Congress, second session, "A bill to prevent the dumping of refuse material in Lake Michigan at or near Chicago."

2. It is proposed by the bill to make it unlawful to deposit refuse matter of any kind, other than that flowing in a liquid state from streets and sewers, into Lake Michigan within 8 miles of the shore opposite Cook County, Ill., and Lake County, Ind., unless such matter is inclosed within bulkheads so arranged as to prevent its escape into the body of the lake and cause contamination thereof.

3. The enactment of this measure is not needed in the interest of commerce and navigation, but its object is thought to be to protect the health of the local community which obtains its water supply from the lake.

4. The present general law, section 13 of the river and harbor act of March 3, 1899, makes it unlawful to deposit refuse matter into any navigable water of the United States, but provides that it shall not apply to the operations of the Federal Government in connection with the improvement of navigable waters, and that the Secretary of War, whenever in the judgment of the Chief of Engineers anchorage and navigation will not be injured thereby, may permit the deposit of such refuse matter within limits to be defined and under conditions to be prescribed by him. This law was intended for the protection of the interests of navigation and commerce and is thought to be sufficient for that purpose. It is also competent for the Secretary of War, in the exercise of the powers conferred upon him in respect to defining the limits and prescribing the conditions within and under

which deposits of material may be allowed, to give consideration to questions of sanitation, and it has been his practice to do so. In pursuance of this law, he has, from time to time, defined the limits and prescribed the conditions for the deposit of refuse matter in the locality named in the bill, and the question of changing existing regulations to meet the wishes of the health authorities of the city of Chicago is now pending in the department.

5. A pure water supply is unquestionably a desideratum in any community and whatever tends to prevent its pollution and promote the health of the public is deserving of commendation. This has been universally recognized by the officers of the Federal Government charged with the prosecution of works of river and harbor improvement in the vicinity of Chicago, but lines 14 and 15, page 1, and part of line 1, page 2, appear to apply specifically to them. On the other hand, matter flowing from streets and sewers, a prolific source of contamination, is expressly excepted from the material prohibited; this permits the local authorities to discharge disease-laden sewage into the waters of the lake without restriction.

6. The Federal Government has expended large sums of money for river and harbor improvement at this locality, and the river and harbor bill now pending in Congress carries appropriations for such work aggregating more than \$600,000. The cost to the Government of this and all future work of this kind will be materially increased should the bill under consideration be passed in its present form. Moreover, the proper enforcement of the law would call for constant and vigilant inspection, requiring a special organization of employees and vessels such as is provided for New York Harbor.

7. In the absence of suitable provision by Congress or the local authorities for such an organization, it is believed the actual pollution of the water supplies of the cities concerned, due to dumping near the intakes, particularly at night and in thick weather, would be greater than is possible under present conditions.

8. As the present dumping grounds are unobjectionable from the standpoint of anchorage and navigation, an important question to consider in connection with the bill is to what extent the people of the United States should be taxed, not for the benefit of general commerce and navigation, but solely in the interest of local sanitation. If Congress should, in its wisdom, favor the bill it should be so amended as to provide that it shall not apply to the operations of the United States in connection with the repair and protection of breakwaters and other structures built in aid of navigation, nor prohibit the deposit around such structures of rock excavated in the vicinity, even though such material may not be entirely free from contamination. And further, it is thought that the act should not become effective until the city of Chicago has made provision satisfactory to the Secretary of War for paying the cost of proper inspection and has either provided suitable dumping grounds behind bulkheads accessible to dump scows in which to deposit material dredged in the execution of government work, or has made provision for the extra expense of long hauls to which the Government will be subjected.

Very respectfully,

W. L. MARSHALL,
Chief of Engineers, U. S. Army.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., January 20, 1910.

Hon. J. M. DICKINSON,
Secretary War Department, City.

SIR: I beg to herewith inclose to you copy of the bill, H. R. 18700, to prevent the dumping of refuse material in Lake Michigan at or near Chicago, pending before the Committee on Interstate and Foreign Commerce, and to ask for the views of the department concerning the bill.

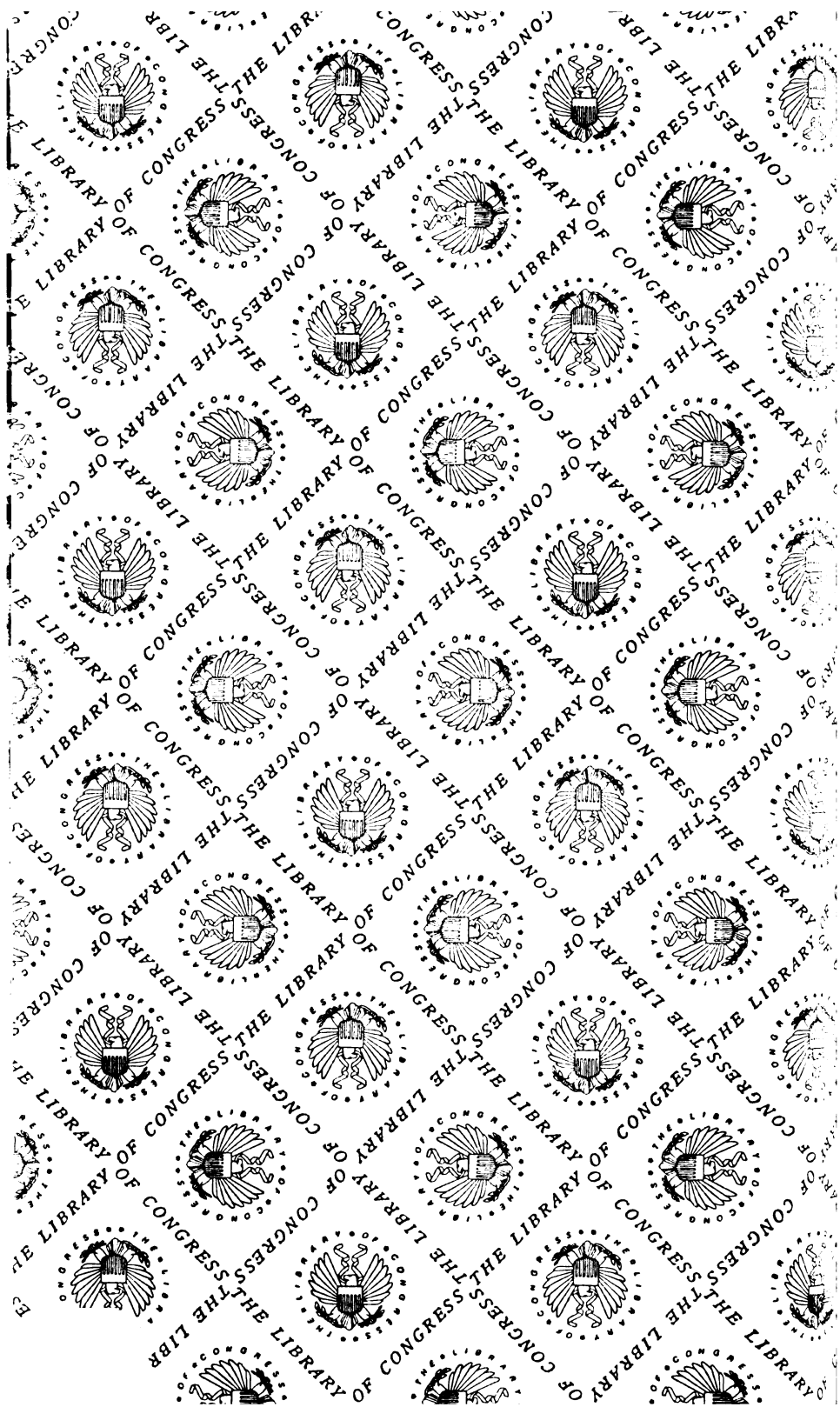
Yours, respectfully,

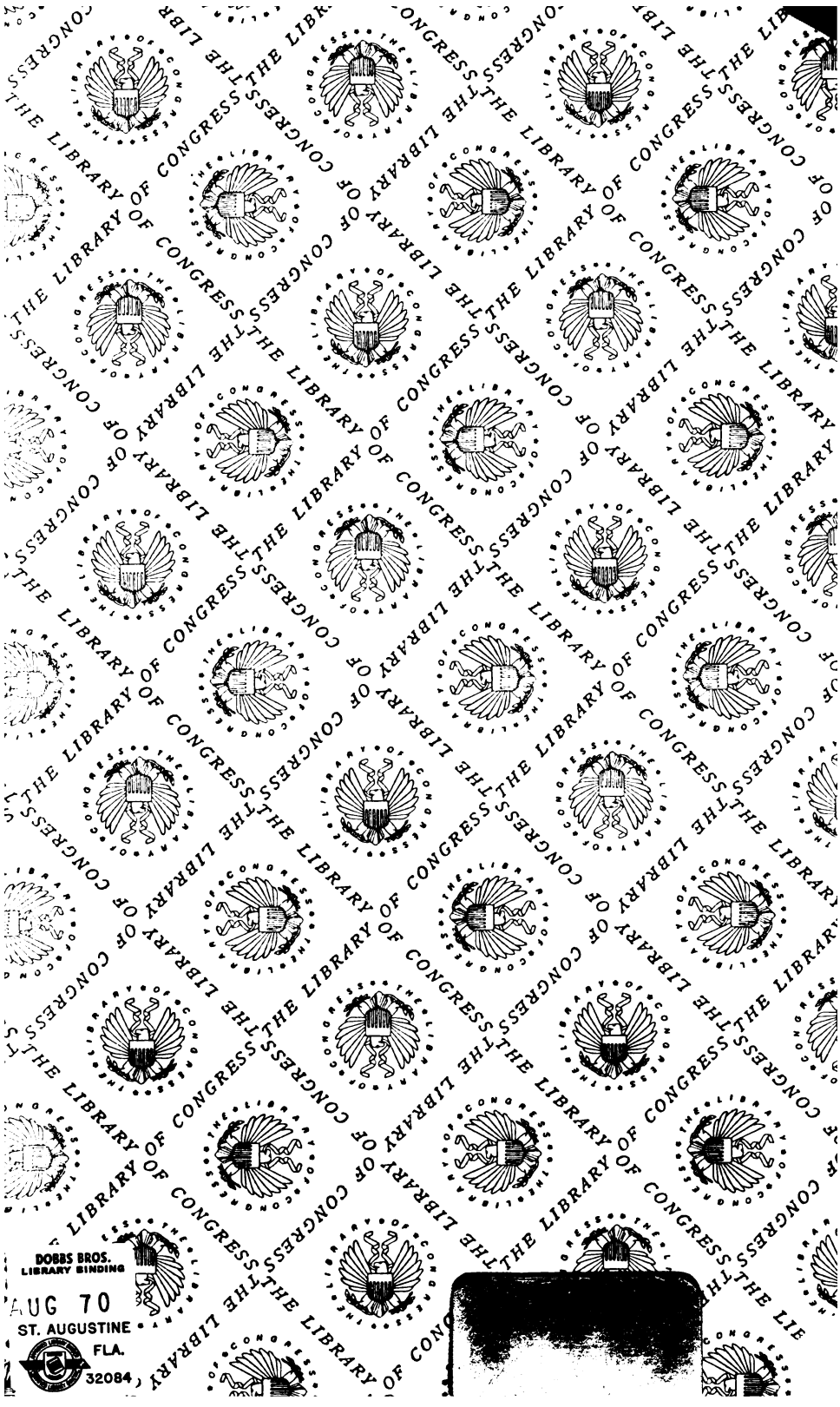
JAMES R. MANN,
Chairman.

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